

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 19, 2017

The Senate met at 9:08 a.m.
Hon. Hannah-Beth Jackson, of the 19th District, presiding.
Secretary Daniel Alvarez at the Desk.
Assistant Secretary Zachary L. Twilla reading.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE
ROLL CALL

The roll was called and the following Senators answered to their names:
Allen, Atkins, Beall, Berryhill, Bradford, De León, Dodd, Gaines, Galgiani, Glazer, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Vidak, Wieckowski, Wiener, and Wilk—32.

Quorum present.

(NOTE: Senators Anderson, Bates, Fuller, Lara, and Stone will be excused this day on personal business. Senator Cannella will be excused this day due to illness. Senator Hernandez will be excused this day on legislative business. Senator Hertzberg will be excused this day due to illness in the family.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Dr. Pamela Anderson, Trinity Cathedral in Sacramento:

Today is my dad's birthday. His name is Fred McNally and in 1945, at the age of fourteen, he snuck into a World Series game to see his Chicago Cubs play. The Cubs went to the World Series again this last fall and they won. I was able to take him to a game at Wrigley Field. It'd been since 1908 that the Chicago Cubs won the World Series. So all I have to say is that when we think there is no way . . . God makes a way!

Gracious and loving God, we pray for our California Senate and for the deliberations in this room, for the conversations that will be had, and for the votes that will be taken. And in moments when we feel that there may be no way, may we just be reminded that God will make a way. This prayer we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Bradford led the Senate in the Pledge of Allegiance to the Flag.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, January 19, 2017

Madam President: The Committee on Rules has examined:

SCR 15

And reports the same correctly engrossed.

DE LEÓN, Chair

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS**

Senate Resolution 12—Relative to women's reproductive health. Resolution read third time and presented by Senator Atkins.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (22)—Senators Atkins, Beall, Bradford, De León, Dodd, Glazer, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

NOES (7)—Senators Berryhill, Moorlach, Morrell, Nguyen, Nielsen, Vidak, and Wilk.

(NOTE: Reconsideration granted later this day.)



Senate Resolution 13—Relative to the Standing Rules of the Senate for the 2017–18 Regular Session.

Resolution read third time and presented by Senator De León.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (31)—Senators Allen, Atkins, Beall, Berryhill, Bradford, De León, Dodd, Gaines, Glazer, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

UNFINISHED BUSINESS

Consideration of Governor’s Appointments

Senator De León placed the following Governor’s appointment before the Senate:

FRANCIS (RANDY) R. FIORINI, Member, Delta Stewardship Council.

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (31)—Senators Allen, Atkins, Beall, Berryhill, Bradford, De León, Dodd, Gaines, Glazer, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Allen introduced Hon. Milton S. Herring, I, Council Member for the City of Torrance, in honor of his visit to the California State Senate.

**MOTIONS, RESOLUTIONS AND NOTICES
MOTION TO RECONSIDER (SR 12)**

Senator Atkins moved that the vote be reconsidered whereby **SR 12** was adopted.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (30)—Senators Allen, Atkins, Beall, Berryhill, Bradford, De León, Dodd, Gaines, Galgiani, Glazer, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Morrell, Newman, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



Consideration of Senate Resolution 12

Senate Resolution 12—Relative to women's reproductive health.
Resolution read third time and presented by Senator Atkins.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Allen, Atkins, Beall, Bradford, De León, Dodd, Galgiani, Glazer, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

NOES (7)—Senators Berryhill, Gaines, Moorthach, Morrell, Nielsen, Vidak, and Wilk.

LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the day on personal business: Senators Anderson, Bates, Fuller, Lara, and Stone.

The following Senator was granted leave of absence for the day due to illness: Senator Cannella.

The following Senator was granted leave of absence for the day on legislative business: Senator Hernandez.

The following Senator was granted leave of absence for the day due to illness in the family: Senator Hertzberg.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:38 a.m., on motion of Senator De León, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator De León moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, January 23, 2017.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, January 18, 2017

The Committee on Rules has referred the following measures to committee:

Budget and Fiscal Review—SB 82, SB 83, SB 84, SB 85, SB 86, SB 87, SB 88, SB 89, SB 90, SB 91, SB 92, SB 93, SB 94, SB 95, SB 96, SB 97, SB 98, SB 99, SB 100, SB 101, SB 102, SB 103, SB 104, SB 105, SB 106, SB 107, SB 108, SB 109, SB 110, SB 111, SB 112, SB 113, SB 114, SB 115, SB 116, SB 117, SB 118, SB 119, SB 120, SB 121, SB 122, SB 123, SB 124, SB 125, SB 126, SB 127, SB 128, SB 129, SB 130, SB 131, SB 132.



Education—SB 68, SB 78, SB 135.

Environmental Quality—SB 80.

Governance and Finance—SB 66.

Governmental Organization—SB 73, SB 79.

Health—SB 133, SB 134.

Public Safety—SB 69, SB 75.

Rules—SB 70, SB 71, SB 74, SB 77, SB 81.

The Committee on Rules has referred the following measures to two committees:

Judiciary and Appropriations—SB 16.

Public Employment and Retirement and Judiciary—SB 76.

Public Safety and Appropriations—SB 67.

COMMUNICATIONS AND PETITIONS

The following letter was ordered printed in the Journal:

January 9, 2017

Mr. Danny Alvarez
Secretary of the Senate

Dear Mr. Alvarez: The Assembly contingent of the Joint Rules Committee met on January 9, 2017, and approved the following items:

Selection of Assembly Member Ken Cooley as Chair of the Joint Rules Committee (11-0)

Appointment of Debra Gravert as Chief Administrative Officer of the Joint Rules Committee (11-0)

Approval of Press Credentials for the 2017-18 Legislative Session (11-0)

These items are attached for consideration of the Senate contingent of the Joint Rules Committee.

Please advise me of the Senate contingent vote on these items at your earliest convenience.

Sincerely,
DEBRA GRAVERT
Chief Administrative Officer
Assembly Committee on Rules



Accredited Media Representatives and News Organizations
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NEWSPAPERS

Associated Press: Don Thompson, Richard Pedroncelli, and Jonathan Cooper.

Bay Area News Group: Josh Richman.

Bloomberg: Alison Vekshin, Michael Marois, James Nash, and Romy Varghese.

Bloomberg BNA: Laura Mahoney.

CalMatters: Laurel Rosenhall, Pauline Bartolone, Elizabeth Aguilera, and Judy Lin.

Capitol Morning Report: John Fairbanks, Gianna Cruet, Laura-Lynne Powell, and Tiffany Dobbyn.

CalWatchdog: Matt Fleming.

Capitol Weekly: Lisa Renner.

Courthouse News Service: Nick Cahill.

Daily Journal: Malcolm Maclachlan.

D'Primera Mano: Brenda Sotelo, Claudia Gomez, and Miguel Borges.

Environment and Energy Publishing: Debra Kahn.

The Guardian: Anita Chabria.

Inside Washington Publications: Curt Barry.

Latino Journal: Isela Perez, Frederick Romero, Fong Xu, and Jose L. Perez.

Los Angeles Times: Chris Megerian, George Skelton, Melanie Mason, Patrick McGreevy, Phil Willon, Sophia Bollag, Liam Dillion, Christine Mai-Duc, and John Meyers.

Messenger Publishing Group/Examiner: Amanda Morello.

Providence Publications: Brad Cain.

Recorder: Cheryl Miller.

Reuters: Sharon Bernstein.

Sacramento Bee: Alexi Koseff, Christopher Cadelago, Dan Walters, David Siders, Hector Amezcua, Dan Morain, Manny Crisostomo, Lezlie Sterling, Paul Kitagaki, Jr., Andrew Seng, José Luis Villegas, Renée C. Byer, Randy Pench, Autumn Payne, Randall Benton, Jim Miller, and Taryn Luna.

Sacramento Business Journal: Allen Young.

Sacramento Observer: Antonio Ray Harvey, Robert Maryland, Genoa Barrow, Larry Dalton, and Ray Johnson.

San Diego Union-Tribune: Steven Greenhut.

San Francisco Chronicle: Melody Gutierrez and John Wildermuth.

Statenet Capitol Journal: Richard Ehisen and Richard Cox.

State New Capitol Journal: Richard Cox and Rich Ehisen.

Tax Analyst: Paul Jones.

Vida En El Valle: Cynthia Moreno, Hector Navejas, and Maria Ortiz-Briones.

RADIO

CPR—KXJZ-FM: Ben Adler, Amy Quinton, Andrew Nixon, Ben Bradford, Chris Nicholas, and Beth Ruyak.

KFBK-AM: Tim Lantz, Joe Michaels, Mike Hagerty, James Rojas, Andrew Graham, Judy Farah, Kaitlin Lewis, Cindy Baker, James Frazier, Ryan Harris, and Dean'a Kodiak.

KPFA-FM: Christopher Martinez.

KQED-FM: Scott Detrow, Marisa Lagos, Katie Orr, Scott Shafer, and Ana Tintocalis.



TELEVISION

CTNS/PACSAT: Brandon Castillo, Felix Mendoza, III, Kenneth Cavalli, Kaitlin Lewis, Patrick Kuske, and Lonni Hawkins Rivera.

California Channel Television: Damian Duran, Jason Fluhrer, Brennan Iketani, Jason Clark, and Ronald A. Middlekauff.

KABC-TV/KGO-TV/KFSN-TV: Nannette Miranda.

KCRA-TV: Brian Hickey, Frank Curry, John Breedlove, Larry Blitstein, Marcelino Navarro, Michael Williams, Mike Domalaog, Ronald Middlekauff, Suzanne Phan, Michael L. Rhinehart, Dave Manoucheri, Brian Fong, Samuel G. Gonzalez, Mike Luery, Vicki Gonzalez, David Bienick, Michael Orcutt, Brandon Atchison, Kevin Oliver, Robert Stewart, and Mike TeSelle.

KOVR-TV CBS 13: Darryl Cruz, Jeffrey Bell, Mathew R. Zolynsky, Michael Lowry, Ralph Cervantes, Dennis Lopez, Sean Fanopoulos, Tony Lopez, Shawki Moore, Geoff Mayfield, Lemor Abrams, Tamara Christian, Cecil Houston, Lee Drake, Kelly Ryan, Peter Roney, Mike Duncan, Steve Large, David McCain, Kurtis Ming, and Adrienne Moore.

KTVU-TV FOX 40: Tom Vacar, Rina Nakano, Tom Long, Lonnie Wong, and Ben Deci.

KQED: Katie Orr and Ana Tintocalis.

KXTV-TV: John Larimore, Nick Monacelli, Frances Wang, William Carragher, Evan Hinojos, Jessica Bobula, Brian Farinas, Adam Christy, Ryan Yamamoto, Bianca Graulau, Rachel Jacobs, and Stephanotis Tupou-Fulivai.

NHK Japan Broadcasting: Ishii Yusaku and Maruyama Mayumi.

Univision: Jairo Diaz Pednaza, Viviana Paez, Jesus Gonzalez, Sergio Flores, Jose Estrella, Sergio Robles, Natanael Lopez, and Omar Echeverria.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 19, 2017

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments and reappointments are subject to Senate confirmation and consent. I hereby nominate these appointees and reappointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

ISADORE HALL, III, PH.D., has been appointed to the California Agricultural Labor Relations Board. Hall served as a senator for the California State Senate's 35th District from 2014 to 2016, and as the Assembly Member for the California State Assembly's 64th District from 2008 to 2014. He was a member of the Compton City Council from 2003 to 2008, and the Compton Unified School District Board of Trustees from 2001 to 2003. Appointed 01/13/2017. Effective 01/13/2017.

Member, California Agricultural Labor Relations Board, vice, Herbert Mason, retired, 12/30/2013. Term ending 01/01/2020.



DOUGLAS WIELE, has been reappointed to the California Commission on Disability Access, where he has served since 2013. Wiele has been founding partner and president at Foothill Partners Inc. since 1994. He held multiple positions at Whitney Development Company from 1986 to 1994, including managing partner, general partner, and director of acquisition. Wiele was a real estate broker and leasing agent at McMasters and Westland Commercial Real Estate from 1977 to 1985. He is vice chair of the California Business Properties Association and a member of the International Council of Shopping Centers. Reappointed 01/09/2017. Effective 01/10/2017.

Member, California Commission on Disability Access, vice, self, reappointed. Term ending 01/01/2020.

KATHERINE “KATIE” L. DELBAR, has been appointed to the California Board of Forestry and Fire Protection. Delbar has been county executive director at the U.S. Department of Agriculture’s Farm Service Agency for Humboldt and Del Norte Counties since 1998, and for Mendocino and Lake Counties since 1992. She was a program technician for the U.S. Department of Agriculture’s Agricultural Stabilization and Conservation Service from 1989 to 1992. Delbar is president of the California Association of Farm Service Agency County Office Employees, and a member of the Potter Valley Community Parks and Recreation Board of Directors and the Potter Valley Community Unified School District School Board. Appointed 12/20/2016. Effective 01/06/2017.

Member, California Board of Forestry and Fire Protection, vice, Mary Rickert, resigned 03/03/2016. Term ending 01/15/2020.

JOSEPH “ANDREW” MCALLISTER, PH.D., has been reappointed to the California Energy Commission, where he has served since 2012. McAllister held several positions at the California Center for Sustainable Energy from 2005 to 2012, including managing director, director of policy and strategy, director of programs, and binational program specialist. He was a project manager at Energy Solutions from 2000 to 2003, and an energy efficiency and renewable energy consultant at the National Rural Electric Cooperative Association International Ltd. from 2004 to 2005 and from 1992 to 2000. McAllister was a research assistant at the Lawrence Berkeley National Laboratory’s Energy Analysis Program from 1991 to 1992. He served as a U.S. Peace Corps volunteer from 1987 to 1990. McAllister earned Doctor of Philosophy and Master of Science degrees in energy and resources from the University of California, Berkeley. Reappointed 01/10/2017. Effective 01/11/2017.

Member, State Energy Resources, Conservation and Development Commission, vice, self, reappointed. Term ending 01/06/2022.



MICHELLE BAASS, has been appointed deputy secretary of the Office of Program and Fiscal Affairs at the California Health and Human Services Agency. Baass has been deputy director at the California State Senate Committee on Budget and Fiscal Review since 2016, where she was principal consultant from 2012 to 2016. She was deputy director at the California State Senate Office of Research from 2011 to 2012, where she was principal consultant from 2008 to 2011. Baass was a senior fiscal and policy analyst at the California Legislative Analyst's Office from 2004 to 2008. She was a manager and consultant for Accenture from 1996 to 2004. Baass earned a Master of Public Policy and Administration degree from California State University, Sacramento. Appointed 01/09/2017. Effective 01/17/2017.

Deputy Secretary, Office of Program and Fiscal Affairs, California Health and Human Services Agency, vice, Katherine Heidorn, resigned, 12/31/2016. Term ending at the pleasure of the Governor.

MARTHA GUZMAN-ACEVES, has been appointed to the California Public Utilities Commission. Guzman-Aceves had been a deputy legislative affairs secretary in the Office of the Governor since 2011, focusing on natural resources, environmental protection, energy, and food and agriculture. She was sustainable communities' program director for the California Rural Legal Assistance Foundation from 2005 to 2011. From 2006 to 2008, she worked with Swanton Berry Farm on human resources issues including a new employee-stock ownership program. She was legislative coordinator for United Farm Workers from 1999 to 2005, working on labor and environmental issues. In 2010 she co-founded Communities for a New California, a charitable organization promoting increased civic engagement of underrepresented communities. Guzman-Aceves earned a Master of Science degree in agricultural and resource economics from the University of California, Davis. Appointed 12/28/2016. Effective 01/09/2017.

Member, Public Utilities Commission, vice, Catherine Sandoval, term expired. Term ending 01/01/2023.



CLIFFORD L. RECHTSCHAFFEN, has been appointed to the California Public Utilities Commission. Rechtschaffen had served as a senior advisor in the Office of the Governor since 2011, where he has worked on climate, energy, and environmental issues. In 2011, he also served as acting director of the California Department of Conservation. Rechtschaffen served as special assistant attorney general in the California Department of Justice, Attorney General's Office from 2007 to 2010. From 1993 to 2007, he taught environmental law, directed the environmental law program, and co-founded the Environmental Law and Justice Clinic at Golden Gate University School of Law. In 2005 he was a Fulbright Scholar at the University of Ljubljana in Slovenia. He is the author of several books and numerous articles on environmental law and policy. He was a deputy attorney general in the Environment Section of the California Department of Justice, Attorney General's Office from 1986 to 1993, Reginald Heber Smith Community Lawyer Fellow at the Marin County Legal Aid Foundation from 1985 to 1986, and a law clerk for the Honorable Thelton Henderson at the U.S. District Court, Northern District of California from 1984 to 1985. He earned a Juris Doctor degree from Yale Law School. Appointed 12/28/2016. Effective 01/09/2017.

Member, Public Utilities Commission, vice, Michel Florio, term expired. Term ending 01/01/2023.

Above appointments and reappointments referred to the Committee on Rules.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 158: By Senator Monning (Coauthor: Senator Beall)—An act to amend Section 15250 of, and to add Section 15250.1 to, the Vehicle Code, relating to commercial vehicle drivers.

Senate Bill 159: By Senator Allen—An act to amend Section 8753 of the Government Code, relating to art.

Senate Bill 160: By Senator Berryhill—An act to amend Section 23007 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 161: By Senator McGuire—An act to add Section 106.5 to the Fish and Game Code, relating to fish and wildlife.

Senate Bill 162: By Senator Allen—An act to amend Section 125285.5 of the Health and Safety Code, relating to mental health.

Senate Bill 163: By Senator Bradford—An act to amend Sections 349 and 2026 of the Elections Code, relating to elections.



Senate Bill 164: By Senator McGuire (Coauthors: Senators Dodd, Mitchell, and Monning) (Coauthors: Assembly Members Aguiar-Curry and Wood)—An act to amend Section 66025.92 of the Education Code, relating to public postsecondary education.

Senate Bill 165: By Senator Portantino—An act to amend Section 19613.05 of the Business and Professions Code, relating to horse racing.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Atkins requested that when the Senate adjourns this day it do so in memory of Lucy Killea of San Diego.

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Fred Kesler of Napa and Daniel Dana Jackson, III of San Francisco.

Senator Nguyen requested that when the Senate adjourns this day it do so in memory of Felipe de Jesus Martinez Nuñez of Santa Ana.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 23, 2017.

NEVA MARIE PARKER, Minute Clerk

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